

PLANNING & ZONING
COMMISSION
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TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING AND ZONING COMMISSION MINUTES*
NOVEMBER 27, 2023 REGULAR MEETING
(CONDUCTED ELECTRONICALLY VIA ZOOM)

PRESENT: Vice-Chairperson Melissa-Jean Rotini, Secretary Eric Fanwick, Commissioners Matthew Murphy, Christopher Wilson, Jill Warren, Ken Hoffman, Christopher Pagliaro, Mark Ahasic. Notified Absence: Rick Tomasetti

Also present was Town Planner, Michael Wrinn

REGULAR MEETING

- A. CALL TO ORDER at 7:00 PM** by Vice-Chair Rotini
- B. SEATING OF MEMBERS** – Members present were seated by Vice-Chair Rotini. Mr. Wrinn noted that Chair Tomasetti would be absent and is recusing himself from the Danbury Road Overlay public hearing and deliberations.
- C. PUBLIC HEARINGS**
 - 1. **REG#23405** – An application from the Wilton Planning and Zoning Commission to amend the Zoning Regulations to create two (2) new overlay districts and related Zoning Regulations for each of these overlay districts. These overlays are centered on Danbury Road, between Wolfpit Road and Pimpewaug Road.

New Sections would include a modification of the table of contents to accommodate the new sections and the addition of the following new sections:
 - a. Section 29-6.G.2 Danbury Road East Overlay District**
 - b. Section 29-6.G.3 Danbury Road West Overly District**

Mr. Wrinn provided the background of the application. The two overlays are part of a four section change that also includes the TOD District Overlay and the Wilton Center Overlay District and Form Based Code. On the East side of Danbury Road, there will be small changes

to residential portions only, and allow for smaller, regulated, developments of housing. As this overlay abuts a residential zone in the back, it wouldn't make sense to have large developments, despite being on Danbury Road. The West side, however, would accommodate larger developments.

Mr. Wrinn then opened the public hearing. Ms. Kelly Morron, 846 Ridgefield Road, wanted more clarification of the East Overlay and how it relates to St. Matthews Cemetery, which is within the East Overlay. Mr. Wrinn assured her that this property would remain a cemetery. The public meeting was then closed with a unanimous vote. Commissioner Warren left meeting.

2. **SP#512 – The Lake Club, Inc.**, 175 & 195 Thayer Pond Road. Assessor's Map #139, Lots #47 and #48; in R-2A Zoning District; consisting of 13.34+/- acres; owned by The Lake Club, Inc., for tennis court modification for tennis and pickle ball.

Casey Healy of Gregory & Adams, representing the applicant, started by reviewing the application, making a point that based on multiple acoustic reports the club is compliant with Wilton regulations. He then said that The Lake Club would be installing 12' fencing with acoustic paneling on two sides of court one that would have the most impact on neighbors. He also offered that a condition of approval could be that the club would limit pickleball playing from 8:30am – 8:00pm.

Patrick Shurr, PE with Redniss & Mead, then provided details of the proposed changes, including: resurfacing and enlarging an existing har-tru court, replacing it with a paved, hard court surface; the court is being shifted 8' to the south and widened 6' to the west; reconfiguration of walkways; new walls along the south and southwest corner replacing existing walls; new, 12' tall fence around the perimeter of the court, with acoustic panels being affixed to the north and east fence.

Mr. Pagliaro expressed concern about the number of neighbors and members that have an issue with the application, and that he doesn't believe that the club has made enough of an effort to work with neighbors. Mr. Healy responded by reiterating that the noise levels meet regulations, and that the Commission should look at the work that would be done, not the noise. Ms. Rotini responded by saying that a special permit application does consider environmental affects, which includes noise. Mr. Pagliaro also commented that the acoustic panels have not been discussed; Mr. Casey said that that could be addressed by the acoustic engineer at the next meeting.

Mr. Hoffman asked about the club's history of noise complaints; he had asked this question at a past meeting and did not receive a response. Ms. Royle responded that there were only a few very minor complaints. He also expressed concern, based on public comments, about other Planning & Zoning issues of non-compliance and if they have been addressed. Mr. Casey said that this will be looked into. Mr. Hoffman then asked about frequency, versus decibel levels, and if this had been addressed by the sound consultant. Mr. Casey said he would provide an answer before the next meeting.

Mr. Fanwick asked that if play is allowed until 8:00pm, is there lighting for play during winter. Ms. Royle answered that there are no lights and that none are being proposed. Mr. Casey confirmed that play would be during daylight hours, no earlier than 8:30am, and no later than 8:00pm during any time of the year. Mr. Ahasic asked if pickleball will be played on any other courts than court one. Ms. Royle replied that all pickleball play will be consolidated onto court one, as it is the interior most court.

The meeting was then opened to the public. Mr. Wilson Carroll, attorney representing Mr. Edward Rowley of 45 Woods End Drive and his opposition to the application. He contended that sound levels at adjacent properties were near or above the Wilton ordinance level and also said that characterizing The Lake Club's outreach as "a meeting with neighbors" wasn't accurate. He said that pickleball sound is incompatible with the neighborhood environment and would impede the enjoyment of their homes by neighbors and hurt property value.

He also stated that he believes the application violates the private membership recreational club's requirements, does not satisfy special permit requirements, is inconsistent with the Wilton POCD, and the sound generated by the proposed courts will exceed local and state noise limitations. He then addressed previous pickleball play at The Lake Club, which has been sporadic, infrequent, and played on existing clay tennis courts. This application proposes to remove a clay tennis court and replace it with four hard-surfaced pickleball courts, which are louder than clay courts, will be permanent, and will be consolidated into a single area. He contended that this is a change of use.

He then said that The Lake Club is a private, membership, recreation club. According to the regulation, the intensity of the use shall be limited by the commission to the extent necessary to assure that the external affects of such use shall not exceed that which would be expected of the premises developed for residential uses. He summarized by saying that The Lake Club cannot have an impact greater than similar residential properties, and that the letters of opposition indicated that the current activity levels exceed permitted residential uses. Pickleball courts would put The Lake Club further out of compliance.

He then suggested that the Commission should focus on special permit criteria that must be satisfied to approve the application, emphasizing the existing and future character of the neighborhood where the use is intended to be located, and the compatibility of the proposed use within that neighborhood. He stated that compatibility with the neighborhood should trump noise levels.

He then said that all special permit applications must be evaluated to determine whether the proposal is compatible with the objectives of Wilton's POCD. He said that this application is inconsistent with at least two of the goals of the POCD, 1) POCD Goal #4, to preserve Wilton's rural character, and 2) POCD Goal #2, to protect and preserve Wilton's established rural and low-density neighborhoods.

He then discussed the acoustic reports, stating that PSM LLC specializes in pickleball acoustics and should be given priority, and that the Lally Report used flawed methodology and that the Commission should not rely on it. He also expressed his belief that fencing would not make an

appreciable change to the compatibility of the use.

Mr. Ed Rowley, 45 Woods End Drive, then spoke. He said that, speaking for himself and neighbors that he identified, this use is seen as a serious threat to the neighborhood. He also expressed his disagreement with the contention that there had been meetings with neighbors. He discussed the growth of pickleball, how the growth is fueling contentious outcomes based on the noise generated, and he also reviewed how the pitch of the sounds was more pertinent than the decibel level. He also detailed misleading and/or inaccurate statements within the application and said that The Lake Club is in violation of multiple special permit conditions, which he detailed.

Mr. Greg Moroney, 33 Wild Duck Road, said that he is a over 700' from The Lake Club. Despite the distance, he said that working from home he clearly hears the play, and that the pitch of the sound is the most disturbing. He reiterated what Mr. Rowley said that he was never reached out to regarding the application. Mr. Joe Kirincich, 140 Thayer Pond Road, said that he has had no issues with The Lake Club until recently, specifically an increase in loud events, including movie nights in the parking lot and DJ'd social events. He stated his belief that the club no longer had regard for the surrounding neighborhood. He then stated that as of last year, the noise from pickleball play became a more serious issue that he brought up with The Lake Club directly. Mr. Jeffrey Boehme, 30 Woods End Drive, stated that he believed that The Lake Club is submitting an application knowing that they will be altering the peace and quiet that neighbors currently enjoy. The result will be neighbors not being able to enjoy their property the way that it was when they purchased it. He also talked about negative impact on property value, the total absence of communication, and the lack of neighborly conduct. Mr. Ryan Love, 225 Thayer Pond Road, agreed with past speakers that there was no communication coming from The Lake Club regarding any of the proposed changes, and that pickleball events at the club were loud and heard clearly from his home. Mr. Justin Cooper, 35 Woods End Drive, stated that he had received no communications regarding the application. Mr. Neel Doshi, 124 Thayer Pond Road stated his concern about the noise that will be heard on his property to the extent that he favors denying the application. Mr. William Bishop, 180 Thayer Pond Road, said that as a long-time resident he was aware when he moved into the area that The Lake Club had existing outdoor activities, such as a pool, but said that the expansion of the club has been a problem, and he reiterated what many others said, that The Lake Club is not a good neighbor. Mr. Mark Foodman, 46 Woods End Road, said that he was in agreement with those who spoke in opposition before him.

Based on The Lake Club's sound consulting not being available for this meeting, it was then decided that the public hearing would be continued to the December 11th meeting.

D. DISCUSSION AND POSSIBLE ACTION ON PUBLIC MEETING ITEMS

1. Danbury Road Overlay - East

The vote to approve the draft resolution for Section 29-6.G.2, Danbury Road East Overlay, was approved unanimously.

2. Danbury Road Overlay – West

The vote to approve the draft resolution for Section 29-6.G.3, Danbury Road West Overlay, was approved unanimously.

3. SP#512 – The Lake Club, Inc.

The public hearing will be continued at the December 11th meeting.

E. ACCEPTANCE OF APPLICATIONS

1. SDP#6-23 – Robert Lupinski

Mr. Wrinn stated that the application is being reviewed by staff and DPW, as the applicant has made changes to the plan. This will be moved to a public meeting upon further review.

F. COMMUNICATIONS/DISCUSSION

1. REG#23403 – ASML US, LLC

The vote to approve the draft resolution for REG#23403 was approved unanimously.

2. SP#514 – ASML US, LLC

The vote to approve the draft resolution for SP#514 was approved unanimously.

3. SP#513 – Cactus Road

The vote to approve the draft resolution for SP#514 was approved unanimously.

4. EV Charging

Mr. Wrinn said that EV Charging, and Group/Child Care, are state requirements/public acts that require a regulation change. Regarding the EV Charging, if a site has more than thirty parking spaces, 10% must be equipped with an EV charging station. Legal will be consulted to determine the final language, followed by a public hearing.

5. Group/Child Care

Legal will be consulted to determine final language, followed by a public hearing.

6. Commissioner Education

Mr. Wrinn reminded to the Commissioners to complete training by the end of December. Mr. Wrinn will send links to training videos.

7. C.G.S. 8-24 Referral – Sewer Main Extension – 440 Danbury Road

The home on the corner of Danbury Road and Cannon Road was converted to two units. Septic must be upgraded, and there is a question as to whether or not they are mandated to cross the street and connect to the sewer. This will be discussed further at the December 11 meeting.

Mr. Murphy, who will no longer be serving on the Commission, was thanked for his term of service.

G. APPROVAL OF MINUTES

1. November 13, 2023 – Regular Meeting
2. November 27, 2023 – Regular Meeting

H. ADJOURNMENT

UPCOMING MEETINGS

1. Monday, December 11, 2023 – Planning and Zoning Commission Regular (Electronic) Meeting – 7:00 PM

Respectfully submitted by Rich Callahan – Recording Secretary

***MINUTES HAVE NOT BEEN REVIEWED BY THIS COMMISSION AND MAY BE SUBJECT TO
REVISION IN FUTURE MINUTES. FULL AUDIO RECORDING OF MEETING IS AVAILABLE
AT: <https://www.wiltonct.org/node/86/minutes-agenda>**